

MCW
X 5 2008
23 June 08
0920

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

JUL 23 10:05

'08 MJ 1911

UNITED STATES OF AMERICA,

Magistrate Case Number: **KNA**

Plaintiff,

COMPLAINT FOR VIOLATION OF

v.

Title 21, U.S.C., Sections 952 and 960

PALMA, Janine


Importation of a Controlled Substance

Defendant,

The undersigned complaint being duly sworn states:

On or about June 20, 2008, within the Southern District of California, Janine PALMA, did knowingly and intentionally import approximately 4.65 kilograms of cocaine, a Schedule II Controlled Substance, into the United States from a place outside thereof; in violation of Title 21, United States Code, Sections 952 and 960.

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.


SIGNATURE OF COMPLAINANT
SPECIAL AGENT
U.S. IMMIGRATION and
CUSTOMS ENFORCEMENT

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS ²³~~25~~ DAY OF JUNE, 2008.


MAGISTRATE JUDGE

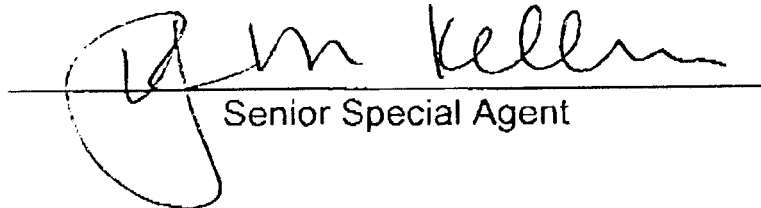
PROBABLE CAUSE STATEMENT

I, Special Agent Yesenia M. Kellmer, declare under penalty of perjury, the following is true and correct:

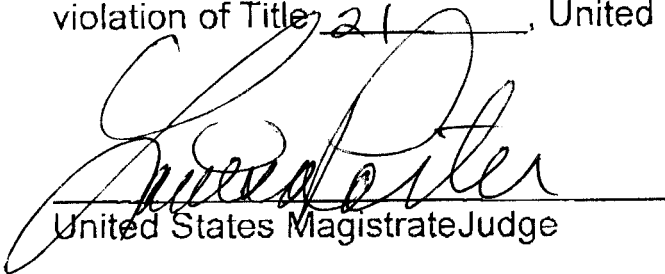
On or about June 20, 2008, at approximately 1910 hours, Janine PALMA entered the United States from the Republic of Mexico, at the San Ysidro Port of Entry. At the time of the entry, the suspect was driving a 1999 silver Nissan Quest without license plates. Subsequent Customs inspection of the suspect's vehicle resulted in the seizure of approximately 10.3 pounds of a white substance, which field tested positive for Cocaine. Post-Miranda, subject admitted knowledge of an illegal narcotic substance in the vehicle.

X See attached reports, incorporated herein by reference

Executed on June 21, 2008 (date) at 1:05 am (time)


Senior Special Agent

On the basis of the facts presented in the probable cause statement consisting of 2 pages, I find probable cause to believe that the defendant(s) named in this probable cause statement committed the offense on 21052952, 960 in June 20 violation of Title 21, United States Code, Section(s) 952, 960 2008.


United States Magistrate Judge

June 21, 2008
Date/Time 8:40 AM

STATEMENT OF FACTS

On June 20, 2008, at approximately 7:10 p.m., Janine PALMA attempted to enter the United States at the San Ysidro Port of Entry, San Diego, California. PALMA was the driver and sole occupant in a silver 1999 Nissan Quest without license plates. Customs and Border Protection Officer (CBPO) C. Banuelos was assigned to lane 18 at the San Ysidro Port of Entry when the silver 1999 Nissan Quest with no license plates, driven by PALMA pulled up for inspection. PALMA presented her U.S. Passport. CBPO Banuelos asked PALMA what she was bringing from Mexico and PALMA declared "Agua Fresca" mix and ceramic bowls for her aunt's commercial taco business. CBPO Banuelos asked PALMA for the vehicle registration since the vehicle had no plates. PALMA presented the vehicle registration and stated that the vehicle was her aunt's car. CBPO Banuelos asked why she didn't have plates on the car and PALMA stated that the plates were lost on the freeway and her aunt had gone to the DMV to report them and had received a temporary permit. CBPO Banuelos asked PALMA for the documents issued along with the permit and PALMA stated that she didn't have it. CBPO Banuelos asked PALMA what else she was bringing from Mexico and she stated she only had the drink mix and ceramic bowls and nothing else. CBPO Banuelos asked PALMA where she was going and PALMA stated to West Covina, CA. CBPO Banuelos opened the glove box of the vehicle and noticed tool marks on the screws and bolts holding the dash together and CBPO Banuelos noticed that he couldn't see behind the glove box due to a non-factory black plastic that had been installed into the dash. PALMA was escorted into the vehicle secondary lot. CBPO Banuelos took apart the center consol of the dash revealing a felt lined compartment inside the dash. PALMA was escorted into the security office. CBPO Banuelos continued to inspect the dash of the vehicle to look for an access into the compartment. CBPO Banuelos located the access through the passenger airbag and had to break it open since it appeared to have some kind of electronic locking mechanism. CBPO Banuelos requested K-9 to screen the vehicle after the electronic compartment was found.

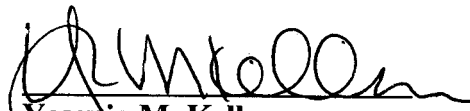
At approximately 7:20 pm, Canine Enforcement Office (CEO) B. Joseph was requested to screen a vehicle. CBP K-9 "Cono" (CE-03) alerted and responded to a narcotic odor emanating from the dash of the silver 1999 Nissan Quest. CBPO D. Garza was informed of the alert. CEO Joseph was later told the vehicle was driven by PALMA.

At approximately 8:15 pm CBPO D. Garza was assigned to the San Ysidro POE vehicle secondary lot. At that time, CBPO Garza was assigned to complete a 7 point inspection of the silver 1999 Nissan Quest that had no plates but was registered as CA/US 5PNJ985. Prior to CBPO Garza's inspection he was informed that the vehicle had a non factory compartment. In addition, CBPO Garza was also informed of the K-9 alert to the dashboard area. At 8:20 pm CBPO Garza randomly selected a package from the compartment; the package was wrapped in brown packaging tape. CBPO Garza probed the package and sampled a white substance, which field tested positive for Cocaine. In total four (4) packages were removed from the same area. The four (4) packages weighed

4.65 kilograms (10.3 pounds). The packages were seized, as was the vehicle, an i-Pod, a digital camera and a cell phone under seizure #2008250400221501/001-003 and placed in the vault.

PALMA was read her Miranda rights in the Spanish language on June 20, 2008, and waived her rights per Miranda at 10:18 pm as witnessed by SDPD Detective Jose Perez. The following statements were given by PALMA:

PALMA claims on that about a year ago PALMA met "TUERKAS" through a mutual friend, Ricardo. "TUERKAS" is tall about 5'8", with a dark complexion, and beard. "TUERKAS" is about 27 years old, has a beard and a regular/medium frame. PALMA thinks "TUERKAS"' real name might be Jose but has no idea what his last name might be. About three (3) days ago PALMA claims she told "TUERKAS" that she needed money. PALMA claims she didn't know "TUERKAS" was involved in drug smuggling when she told him she needed money. PALMA stated that "TUERKAS" told her he needed someone to drive a car across the border. PALMA claims she needed the money for her upcoming wedding, in August 2008, to David Velasquez who resides in Tijuana, B.C., Mexico. PALMA stated that "TUERKAS" called PALMA and told her to go to Plaza Rio and to pick up a car a grey van that was parked in front of a "Torta" (sandwich) restaurant. PALMA claims she was told that the grey van would have the doors unlocked and that the keys would be inside the door. PALMA claims that at about 5:30 pm she took a taxi to Plaza Rio and picked up the car and got into the line to cross at San Ysidro into the United States. PALMA stated that she didn't know what the narcotic was because she didn't want to know. PALMA stated that she imagined it was something small like marijuana. PALMA stated she was to be paid \$1,000.00 to cross the vehicle into the U.S. Then PALMA stated that after she crossed into the United States she was supposed to leave the van in an alley in Riverside but that she didn't know where exactly. PALMA stated that she was supposed to hear from "TUERKAS" sometime after she crossed the border and he would tell her what exit to get off in Riverside. When asked to look at her cell phone for "TUERKAS" number PALMA stated that she delete's all calls as soon as a call comes in because she can't tell if it's a recent call or not.


Yesenia M. Kellmer
Special Agent
Immigration and Customs
Enforcement